

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TRAMAINE JERNIGAN,

Plaintiff,

v.

No. 19-cv-1177-WJ-JHR

FNU VALENCIA, DEBORAH
GARCIA, JANEL SARRACINO,
RICARDO SALAYANDIA, MAXINE
MONTTOYA, DANIEL PETERS, and
ERNIE HOLGUIN,

Defendants.

ORDER OF DISMISSAL

THIS MATTER is before the Court following Plaintiff Tramaine Jernigan's failure to file an amended civil rights complaint. Plaintiff is a prisoner at Southern New Mexico Correctional Facility. He is proceeding *pro se*. Plaintiff commenced this action by filing a Tort Complaint in New Mexico's First Judicial District Court. (Doc. 1-1 the "Complaint"). Defendants removed the case to this Court because the Complaint included claims arising under the United States Constitution and 42 U.S.C § 1983. (Doc. 1). In the Complaint, Plaintiff claimed, *inter alia*, that Defendants violated his rights guaranteed by First, Eighth, and Fourteenth Amendments to the United States Constitution. (Doc. 1-1 at 2).

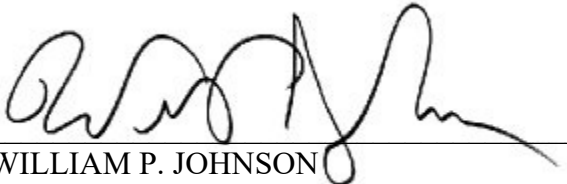
By a Memorandum Opinion and Order entered September 19, 2022, the Court dismissed the Complaint for failure to state a claim upon which relief could be granted. (Doc. 6). The Court's analysis of Plaintiff's claims included an overview of the governing United States Supreme Court and Tenth Circuit case law. Consistent with *Hall v. Bellmon*, 935 F.2d 1106, 1109 (10th Cir. 1991),

the Court gave Plaintiff thirty days to file an amended complaint. The Court advised Plaintiff that failure to abide by the deadline could result in dismissal of this case without further notice.

The deadline has now passed. Plaintiff did not file an amended complaint, nor did he seek to extend the deadline or otherwise respond to the Memorandum Opinion and Order. For these reasons and for the reasons set forth in the Court's September 19, 2022, Memorandum Opinion and Order of Dismissal, this action will be dismissed with prejudice.

IT IS THEREFORE ORDERED that this action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A and Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief may be granted.

The Court will enter a final judgment herewith.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE